

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1688.01
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: February 13, 2001
DATE OF REPORT: March 13, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 17, 2001

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically with regard to the use of "time out" and support services from an identified teacher.
- 511 IAC 7-27-5(c) with regard to the school's alleged failure to provide the parent with a copy of the case conference committee (CCC) report and IEP within 10 business days of the January 16 and January 18, 2001, CCC meetings.

FINDINGS OF FACT:

1. The student is a fourteen-year-old, eighth-grader who has been determined eligible for special education and related services due to an Emotional Disability (ED).
2. The student's CCC meeting was convened on January 16, 2001, and reconvened on January 18, 2001, as there was insufficient time to complete the annual case review on January 16, 2001.
3. The student's CCC Summary/IEP dated January 16, 2001 and January 18, 2001 states that the student would be allowed "time out" with the ED teacher or a specific general education teacher when the general education teacher did not have class. The IEP states the student is not to interrupt the general education teacher when the teacher has class.
4. The student visited the general education teacher every afternoon on the way to the nurse's office and interrupted the general education teacher's class. The general education teacher instructed the student that the interruptions must stop, but that he could see her during homeroom period. Because the student continued to drop by and interrupt the general education teacher's class, this "time out" option was discontinued by the general education teacher.
5. The student's parent was given a copy of the January 16, 2001/January 18, 2001, CCC Summary/IEP on February 27, 2001, 28 business days after the CCC meeting.

CONCLUSIONS:

1. Findings of Fact #2 and #3 reflect that the school implemented the Student's IEP within the parameters as written. Therefore, no violation of 511 IAC 7-27-7(a) is found.

2. Findings of Facts #4 and #5 indicate that the school failed to provide the parent with a copy of the CCC Summary/IEP within 10 business days of the January 16, 2001/January 18, 2001 CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. Review and revise, if necessary, the applicable policies and procedures to ensure that CCC reports and IEPs are received by the parents within 10 business days of the CCC meeting.

Submit a copy of the applicable policies and procedures to the Division no later than April 16, 2001.

2. In-service all appropriate staff regarding the policies, procedures and the requirements as specified in 511 IAC 7-27-5(c).

Submit documentation to the Division that the in-service has been completed no later than April 30, 2001. The documentation must include a list or agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: March 13, 2001